

F. J. Lake, president of said corporation, Des Moines, Iowa, charging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 17, 1935, from the State of Iowa into the State of Missouri of a quantity of Jermite A Poultry Tonic that was misbranded; on or about September 18 and October 25, 1935, from the State of Iowa into the States of Minnesota and Missouri quantities of Blu-V-Spray which was misbranded; and on or about October 25 and November 11, 1935, from the State of Iowa into the States of Minnesota and Missouri of quantities of Jermite Wormer which was misbranded.

Analysis of Jermite Poultry Tonic showed that it consisted essentially of iron, copper, magnesium and sodium sulphates, ferric salicylate, glycerin, anise oil, and water. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the containers and cartons and contained in an accompanying circular, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for diseases of poultry, loss of appetite, digestive and many intestinal disorders, simple diarrhea, bowel complaint, ordinary limber-neck, swelled head and poisoning by moldy or spoiled foods; and effective to keep the entire flock clean inside, to insure healthier and stronger chicks at all times, to keep the intestines practically free from mucus, to kill disease germs in poultry, to control and regulate the bowel system, and to prevent and relieve diarrhea.

Analysis of Blu-V-Spray showed that it consisted essentially of water with small amounts of formaldehyde, glycerin, menthol, thymol, eucalyptol, methyl salicylate, pine oil, salicylic acid, and a blue coloring matter. Said article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the labels of the containers or on the packages, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for infectious ailments of the head, throat, and respiratory organs, for gapes, bronchitis, intestinal flu, head colds, and other respiratory ailments in poultry.

Analysis of Jermite Wormer showed that it consisted essentially of iron, copper, magnesium and sodium sulphates, salicylic acid, anise oil, oleoresin of aspidium, and water. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the labels of the containers or on the packages, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for worms in poultry, and effective to clean the intestinal tract and bowel region of certain impurities including pinworms, roundworms, or tapeworms.

On October 23, 1936, pleas of guilty were entered by the defendants and the court imposed a fine of \$75 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26770. Misbranding of British Oil and citrate of magnesia. U. S. v. 156 Bottles of British Oil and 126 Bottles of Citrate of Magnesia. Default decrees of condemnation and destruction. (F. & D. nos. 38219, 38220. Sample nos. 13282-C, 13283-C.)**

The package of the British Oil bore false and fraudulent representations regarding its curative or therapeutic effects. The article designated on the label as citrate of magnesia was deficient in its essential constituents.

On August 27, 1936, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 156 bottles of British Oil, and 126 bottles of citrate of magnesia at Savannah, Ga. It was alleged that the said articles had been shipped in interstate commerce on or about May 14, 1936, by Levy Products, Inc., from Tampa, Fla., and that they were misbranded in violation of the Food and Drugs Act.

Analysis of a sample of the British Oil showed that it was crude petroleum containing turpentine and other oils.

Analysis of the article "Citrate of Magnesia" showed that it contained less citric acid and less magnesium oxide than the standard prescribed for said substance in the United States Pharmacopoeia.

The British Oil was alleged to be misbranded in that the following statements appearing on the bottle wrapper falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements: "It is recommended as a relief for all scorbutic and rheumatic disorders, contusions and contractions of the nerves, for all wandering and other pains, palsy, lameness, swelling and inflammations; \* \* \* for fresh

wounds or cuts \* \* \* for deafness, coughs, shortness of the breath, etc. Directions for Use. In case of pain or swelling, bathe the part affected, before the fire, night and morning, and cover it with flannel. For fresh wounds or ulcers, dip a little lint in the oil, and apply it to the wound or ulcerated part. For deafness, drop five drops in the ears, stopping them close with wool, and repeat it as occasion requires. For consumption, phthisis and inward disorders, let the patient, if a grown person, take 18 or 20 drops at first, night and morning, in a glass of white wine or ale, or on a lump of sugar, and increase the dose according to the strength and constitution of the patient, or as occasion may require, till it comes to half a teaspoonful or more, always beginning with a small dose; and the like proportion to those of younger years."

The citrate of magnesia was alleged to be misbranded in that the statement "Citrate of Magnesia", the name of the article appearing upon the bottle label, was false and misleading when applied to an article that was not citrate of magnesia.

On September 21, 1936, no claimant having appeared in either case, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26771. Adulteration and misbranding of Mulford Acidophilus Bacillus Blocks. U. S. v. 6 Packages, 23 Packages, and 11 Packages of Mulford Acidophilus Bacillus Blocks. Default decrees of condemnation and destruction. (F. & D. nos. 38228, 38284, 38328. Sample nos. 8123-C, 15608-C, 15654-C.)**

These cases involved interstate shipments of Mulford Acidophilus Bacillus Blocks that were capable of providing only a small proportion of the quantity of viable acidophilus bacilli represented on the label.

The United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court on August 31, 1936, a libel praying seizure and condemnation of 6 packages; on September 10, 1936, a libel praying seizure and condemnation of 23 packages; and on September 21, 1936, a libel praying seizure and condemnation of 11 packages of Mulford Acidophilus Bacillus Blocks. It was alleged in the libels that the article had been shipped in interstate commerce on or about June 23, July 2, July 13, August 28, and September 11, 1936, by Sharp & Dohme, Inc., from Philadelphia, Pa., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article in the lot of six packages was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Mulford Acidophilus Bacillus Blocks \* \* \* When properly kept, each Block will include, at the time of sale, millions of viable acidophilus bacilli \* \* \* Expiration Date Sep 6 1936", in that the number of viable lactobacilli did not exceed 50,000 per block and the dosage of viable lactobacilli recommended in medical literature was in millions of organisms. The article in said six packages was alleged to be misbranded in that the statements, (on the wrapper of the package) "Mulford Acidophilus Bacilli Blocks \* \* \* When properly kept, each Block will include, at the time of sale, millions of viable acidophilus bacilli \* \* \* Expiration Date Sep 6 1936", and (in a circular accompanying the package, in English and Spanish) "Mulford Acidophilus Bacillus Blocks are merchandised with an expiration date of six weeks. This dating period provides a factor of safety by insuring a sufficient number of viable B. acidophilus in the daily dosage as indicated", were false and misleading in that the number of viable lactobacilli did not exceed 50,000 per block and the dosage of viable lactobacilli recommended in medical literature was in millions of organisms.

The article in the lot of 23 packages was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Mulford Acidophilus Bacillus Blocks \* \* \* When properly kept, each Block will include, at the time of sale, millions of viable acidophilus bacilli \* \* \* Expiration date Oct 11 1936", in that the number of viable acidophilus bacilli did not exceed 10,000 per block and the dosage of viable lactobacilli recommended in medical literature is in millions of organisms. The article in said 23 packages was alleged to be misbranded in that the statements (on the wrapper of the package), "Mulford Acidophilus Bacillus Blocks \* \* \* When properly kept, each Block will include, at the time of sale, millions of viable acidophilus bacilli \* \* \* Expiration date Oct 11 1936", and (in a circular accompanying the package, in English and Spanish)